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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

SERGIO BARAJAS,
ALLAN CASSELL,
ELENA MILLNER,
BENJAMIN STUELKE,
MICHELLE ACOSTA,
ART ACOSTA, and
ERNESTO GARCIA,

Defendants.

Case No. 2:17-CR-000316-RFB-CWH

**STIPULATION AND ORDER TO
CONTINUE DEADLINES TO FILE
JOINT MOTIONS AND FOR THE
GOVERNMENT TO FILE ITS
RESPONSE**

(First Request)

IT IS HEREBY STIPULATED and AGREED by and between the United States of America, by and through DANIEL SCHIESS, Assistant United States Attorney, and Defendant SERGIO BARAJAS, by and through his counsel, RUSSELL E. MARSH, Defendant ALAN CASSELL, by and through his counsel DAVID BROWN, Defendant ELENA MILLNER, by and through her counsel PETER CHRISTIANSEN, Defendant BENJAMIN STUELKE, by and through his counsel VICKI PODBERESKY, Defendant MICHELLE ACOSTA, by and through her counsel, MELANIE HILL, Defendant ART ACOSTA, by and through his counsel,

1 MELANIE HILL, and Defendant ERNESTO GARCIA, by and through his counsel, DEAN
2 STEWARD that the following deadlines be extended:

- 3 (1) THE DEFENDANTS' DEADLINE TO FILE A SEALED MOTION FOR A JOINT
4 PROPOSED BUDGET FOR A DISCOVERY COORDINATOR,
5 (2) THE DEFENDANTS' DEADLINE TO FILE A JOINT MOTION REGARDING
6 DISCOVERY PRODUCTION, AND
7 (3) THE GOVERNMENT'S DEADLINE TO FILE ITS RESPONSE.

8 This Stipulation is executed for the following reasons:

- 9
10 1. Defense counsel Melanie Hill and Russell Marsh have reached out to Russell Aoki
11 to prepare a budget for coordinating discovery attorney services and the services of
12 his staff to review and organize the discovery in a format that can be easily
13 assessable to the defense and their respective counsel.
14 2. Defense counsel Vicki Podberesky has reached out to iPro to discuss organizing and
15 hosting the discovery in eclipse and is awaiting pricing. She has also requested an
16 unencrypted drive from AUSA Schiess for review and pricing from iPro.
17 3. After discussion between defense counsel Melanie Hill, defense counsel Russell
18 Marsh, Russ Aoki, and AUSA Schiess regarding how the discovery could be made
19 available to Mr. Aoki, Ms. Hill dropped off a hard drive to the U.S. Attorneys' office
20 on Monday, July 23, 2018. Due to the volume of the discovery and the encryption
21 of the data, it took a week for the encrypted discovery to be written to the hard drive.
22 4. The hard drive was overnighted to Mr. Aoki on Monday, July 30, 2018 and after he
23 reviewed the encrypted hard drive, Mr. Aoki determined that it would take two
24 weeks to extract the data off the hard drive before he and his staff could start to
25 analyze the discovery files and prepare a budget.
26 5. Mr. Aoki sought a written encryption waiver from AUSA Schiess and Mr. Schiess
27 and Mr. Aoki came to an agreement that the Government would reproduce the
28 discovery on an Adonis drive which Mr. Aoki has informed all counsel will be a

- 1 faster download that the encrypted drive currently in his possession. The U.S.
2 Attorneys' office started copying the drive on Thursday, August 2, 2018 and staff at
3 the U.S. Attorneys' office believe it will take another 14 hours to complete the data
4 transfer. Thus, the Adonis drive should be ready by Monday, August 6, 2018, the
5 current deadline to provide the Court with a sealed motion and proposed budget.
- 6 6. The Government will FedEx the drive directly to Mr. Aoki and Mr. Aoki has
7 estimated that it will take him and his staff approximately three weeks to download
8 and analyze the discovery in order to prepare a budget for the Defendants and the
9 Court.
- 10 7. The Defendants are further requesting that the Court also extend their deadline to
11 inform the Court of their respective positions about payments upfront or completing
12 financial affidavits to seek access to CJA funds to pay the cost pf the coordinating
13 discovery attorney so that they know the total budget amount prior to making a final
14 determination.
- 15 8. The Defendants are also requesting that the Court extend their deadline to file a joint
16 motion requesting that the Court order the Government to produce the electronic
17 data in a particular format or order the Government to take some other actions
18 regarding the production of the discovery until after Mr. Aoki has provided them
19 further information regarding the particulars of the discovery and how it was
20 produced after Mr. Aoki is able to extract the discovery and review it.
- 21 9. The parties request the following revised motions schedule. The Defendants' Sealed
22 Motion for a Joint Proposed Budget for a Discovery Coordinator shall be due on or
23 before Monday, August 27, 2018. The Defendants' Joint Motion requesting that the
24 Court order the Government to produce the electronic data in a particular format or
25 order the Government to take some other actions regarding the production of the
26 discovery shall be due on or before Monday, August 27, 2018. The Government
27 shall file its response to this motion by September 10, 2018.
- 28

10. The additional time requested by this Stipulation is made in good faith and not for the purposes of delay.

Respectfully submitted by,

DAYLE ELIESON
UNITED STATES ATTORNEY

WRIGHT STANISH & WINCKLER

By: /s/ Daniel R. Schiess
DANIEL R. SCHIESS
Assistant U.S. Attorney

By: /s/ Russell E. Marsh
RUSSELL E. MARSH
Attorney for Defendant Sergio Barajas

BROWN, BROWN & PREMSRIRUT

CHRISTIANSEN LAW OFFICES

By: /s/ David T. Brown
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Attorney for Defendant Alan Cassell

By: /s/ Peter S. Christiansen
PETER S. CHRISTIANSEN
Attorney for Defendant Elena Millner

ANDRUES/PODBERESKY

MELANIE HILL LAW PLLC

By: /s/ Vicki Podberesky
VICKI PODBERESKY
Attorney for Defendant Benjamin Stuelke

By: /s/ Melanie A. Hill
MELANIE A. HILL
Attorney for Defendant Michelle Acosta

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H. DEAN STEWARD, APC

By: /s/ Melanie A. Hill
MELANIE A. HILL
Attorney for Defendant Art Acosta

By: /s/ H. Dean Steward
H. DEAN STEWARD
Attorney for Defendant Ernesto Garcia

ORDER

IT IS SO ORDERED.

Dated this 7th day of August, 2018.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE